

1 THE HONORABLE RICHARD A. JONES
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BLACK LIVES MATTER SEATTLE-
11 KING COUNTY, ABIE EKENEZAR,
12 SHARON SAKAMOTO, MURACO
13 KYASHNA-TOCHA, ALEXANDER
14 WOLDEAB, NATHALIE GRAHAM,
15 AND ALEXANDRA CHEN,

16 Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ
DECLARATION OF CARTER TINNEY

17 I, Carter Tinney, declare and state as follows:

18 1. The information contained in this declaration is true and correct to the best of my
19 knowledge, and I am of majority age and competent to testify about the matters set forth herein.

20 2. I am a musician. I live near the East Precinct in Capitol Hill, Seattle.

21 3. Around 10:30pm on September 22, 2020—hours after the City Council voted to
22 cut the Seattle Police Department budget by less than 5%—I heard sirens. I grabbed my camera
23 and ran out of my house to film what turned out to be the police response to a very small protest.

24 4. The protest was only about 20-30 people, but there were about 14 police cars
25 accompanying them. Every single police vehicle seemed to be making as much light and noise as

1 possible—lights flashing, every kind of siren sound blaring. It felt like SPD was conducting its
2 own counter-protest to drown out the “Black Lives Matter” chants.

3 5. The sound from the police vehicles was so tortuously loud that my ears were
4 ringing for about an hour after I went back inside. I can’t imagine a single resident of Capitol
5 Hill could have slept through SPD’s sirens.

6 6. I watched the protest for about 45 minutes. I did not see any protester do anything
7 remotely destructive or violent. They were just chanting and walking in the empty streets. The
8 only cars in the streets were police vehicles, and I saw very few people other than the handful of
9 protesters and roughly equal number of police officers.

10 7. SPD patrol cars surrounded the protesters the whole time. At first the SPD
11 vehicles slowly chased them north on 12th Avenue. In addition to the patrol cars pushing the
12 protesters north on 12th, there were other police vehicles further up 12th driving backwards in
13 front of the protesters, trapping the protest on 12th in between two sets of police vehicles.

14 8. I watched an SPD vehicle drive slowly but then, with seemingly no justification,
15 floor the gas, suddenly, loudly, and menacingly accelerating towards the protesters. It did this at
16 least twice. This struck me as patently dangerous police behavior intended to scare the protesters.

17 9. After SPD pushed the protesters north for three and a half blocks, both sets of
18 SPD cars switched direction and began pushing the protesters back south.

19 10. At one point, SPD tried to use the loudspeaker to tell protesters to stay away from
20 their officers’ cars that SPD had driven into the protest and cornered the protesters with, but
21 SPD’s sirens were still blaring, so their message was barely audible. SPD was also making it
22 impossible to avoid their vehicles; they had closed in on the protest from every side and blocked
23 protesters’ path.

24 11. As I approached the northwest corner of 12th Avenue and East Pine Street, I
25 watched a police officer standing still on the southwest corner of the intersection, seemingly
26 waiting for the approaching protest. **A protester laid down in the street, and almost**

1 **immediately an explosion went off right next to the person on the ground.** A piece of
2 shrapnel flew towards me.

3 12. I was initially confused about what exactly had caused the explosion, but I knew
4 that no protester had set off the explosion because I had been watching them, and no one did
5 anything like that.

6 13. **I can now tell from video captured by another bystander that the police**
7 **officer I had seen threw a blast ball.** This video captures the police officer throwing the blast
8 ball at a person lying on the ground:

9 <https://twitter.com/MarcusKulik/status/1308671251594977280>. I am visible in the video after the
10 explosion, standing on the northwest corner of 12th and East Pine holding a camera. A version of
11 the same video in slow motion, zoomed in on the officer throwing the blast ball, is available
12 here: <https://twitter.com/spekulation/status/1308859475428806657>.

13 14. I saw absolutely no protester conduct that necessitated the use of force, let alone
14 potentially lethal force aimed at a vulnerable person on the ground. The protesters were just
15 walking and chanting.

16 15. Moments after throwing a blast ball at peaceful protesters, SPD gave a dispersal
17 order, announcing over the loudspeaker to protesters “you’ve committed an unsafe act, you’ve
18 put officers’ lives in jeopardy. You’ve created a safety hazard. You’ve limited the movement of
19 police vehicles. Do you understand? I’m giving you an order to disperse. Failure to disperse
20 could result in the use of munitions, and/or your arrest.” SPD was using an explosion that I knew
21 protesters were not responsible for to justify dispersing the protest.

22 16. SPD blockaded the road and had a standoff with protesters at 11th Avenue and
23 East Pine Street, then eventually retreated. Protesters then returned to the East Precinct and
24 chanted for a short time before the police re-emerged to chase around the block, their sirens still
25 blaring, blocking off entire roads with SPD vehicles. Eventually the small protest dispersed.

17. I have been part of, or recorded, many police protests in Seattle in defense of Black lives since the murder of George Floyd. The SPD tactics I witnessed on September 22 felt extremely familiar to me and consistent with the SPD response to other protests I have been at. This is not the only time I have seen SPD using potentially lethal weapons against peaceful protesters, and falsely claiming that *protesters* had created a safety hazard; using lights, sound, force, dispersal orders, and baseless arrests to chill people from exercising their First Amendment right to protest; and seeming to take a zero-tolerance approach to BLM protests outside of police buildings, breaking them up immediately and aggressively.

18. After the protesters went home, I went back to the spot where I had seen the explosion to hunt around for evidence of what had caused it. I found a thick black plastic ring and a metal handle with a numbered label on it that I identified after a quick Google search as the fuse block and pull handle from a blast ball grenade. A photo I took of the pieces of blast ball that I found is attached as **Exhibit A**.

Executed this 25th day of September 2020 at SEATTLE, WASHINGTON.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

By: Carter Tinney
CARTER TINNEY

Exhibit A

